

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

DONNA VIRAKITTI,

Civ. No. 06-337-HO

Plaintiff,

ORDER

v.

Commissioner of Social Security,

Defendant.

Plaintiff seeks review of the decision of the Commissioner terminating Supplemental Security Income payments based on the finding of the administrative law judge (ALJ) that disability ceased as of November 2003. The decision of the ALJ is not supported by substantial evidence. The ALJ found plaintiff no longer disabled after finding "medical improvement." To determine whether medical improvement has occurred, current medical severity of impairments present at the time of the most recent favorable medical decision of disability, or continued disability, is compared to the medical severity of the

impairments at that time. 20 C.F.R. § 416.994(b)(1)(vii).

"Medical improvement . . . is determined by a comparison of prior and current medical evidence . . ." 20 C.F.R. § 416.994(b)(2)(I). ALJ Hyatt compared current medical evidence with the 1988 decision of disability issued by ALJ Hill. (Tr. 20). The record before the court contains neither prior medical evidence reviewed by ALJ Hill, nor a copy of ALJ Hill's decision. If ALJ Hyatt reviewed prior medical evidence, he did not discuss it in his decision.

Conclusion

Based on the foregoing, the decision of the Commissioner is reversed. This matter is remanded for reinstatement of benefits.

IT IS SO ORDERED.

DATED this 21st day of December, 2006.

s/ Michael R. Hogan
United States District Judge